



**City of College Park  
Department of Planning, Community & Economic Development  
Staff Report**

**Reviewer: Miriam Bader**

**Date: March 27, 2020**

**A. APPEAL INFORMATION**

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Appeal No.: CPV-2020-03

Hearing Date: April 2, 2020 via teleconferencing

Petitioner: Terri Kramer for MacGregor Investments, LLC.

Address: 5002 Kenesaw Street

Subdivision: Daniels' Park Addition (Block 4, Lot 49)

Zoning: R-55

Request: A variance of 5% or 231 square feet from the maximum allowable lot coverage of 30% or 1,501 square feet.

Purpose of Request: To construct a 330 square-foot (10 x 33) concrete driveway.

Requirement: **Lot Coverage.** Section 27-442 (c) Table II of the Prince George's County Zoning Ordinance prescribes a maximum lot coverage of 30 percent in the R-55 zone.

Property Characteristics:

1. The property is a small (54 feet by 92.68 feet), narrow, rectangular lot with an area of 5,006 square feet.
2. It has flat topography and poorly draining soil (Russett-Christiana-Urban land complex).
3. The property is improved with a two-story frame house with an attached garage and covered front porch constructed in 2019.

Neighborhood Characteristics:

1. The house and immediate neighborhood are zoned R-55, single-family residential.

2. The size of the lot is relatively small. The five adjoining properties have the following lot square footages:  
 5001 Kenesaw St. – 6,250 square feet  
 5004 Kenesaw St. – 5,885 square feet  
 5005 Kenesaw St. – 10,000 square feet  
 9533 Rhode Island Ave. – 6,579 square feet  
 9535 Rhode Island Ave. – 9,375 square feet

Other Information:

1. Prince George's County issued a building permit in 2019 for a new house including the use of grass pavers (reinforced grass) in place of a paved driveway. According to the detail submitted with the building permit, the driveway was to consist of two 2-foot wide pervious grass pavers separated by a 6-foot wide strip of grass.
2. Pervious grass pavers (reinforced grass) (Exhibit 3) consisting of compacted soil, filter fabric, number 57 stone, top soil, and sod were constructed but failed to drain sufficiently creating a muddy environment and soil erosion issues.
3. Kenesaw Street is paved up to one foot of the property line necessitating the apron to be located on the Petitioner's private property. The apron is approximately 72.54 square feet or 1% of the lot area.
4. The Applicant wishes to construct a concrete driveway between the existing concrete apron and an already-constructed attached garage.
5. The new Zoning Ordinance has increased lot coverage by 5% to 35% but is not yet effective.

### **CRITERIA FOR GRANTING A VARIANCE**

**1. Property has exceptional narrowness, shallowness, or shape, exceptional topographic conditions or other extraordinary situations or conditions.**

The property has an extraordinary situation because the narrowness of the street right of way caused the apron to be built on private property, thereby counting against lot coverage. The combination of the flat topography and poorly draining soil results in an environment that is muddy when pervious pavers are used. The relative smallness of this lot further limits the property owner's alternatives.

2. **The strict application of the County Zoning Ordinance will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon the property owner.**

The strict application of the zoning ordinance will result in practical difficulties to the property owner by preventing the construction of a functional driveway between the curb cut and already-constructed garage. .

3. **The variance will not substantially impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan.**

Granting a lot coverage variance of 231 square feet or 5% will not impair the intent, purpose and integrity of applicable plans. The proposed concrete driveway, to align with the existing concrete apron, and elimination of a muddy area ,will improve the appearance of the neighborhood and allow the property to more closely match that of the surrounding properties.

#### **C. RECOMMENDATION**\_\_\_\_\_

Staff recommends approval of the 5% lot coverage variance to allow the construction of a standard driveway (10 feet x 31 feet).

#### **D. EXHIBITS**\_\_\_\_\_

1. Application
2. Site plan
3. Detail of pavers
4. Building elevations
5. Applicant's photos
6. Lot coverage calculations
7. Location Map
8. Zoning and Building Footprint Map
9. Impervious Surface Map
10. Aerial Photo (2018)
11. Streetside view (prior to construction of house)
12. Staff Photos



City of College Park Advisory Planning Commission

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College Park, MD 20740

Phone: 240-487-3538 • www.collegeparkmd.gov

EXHIBIT 1

APPLICATION FOR VARIANCE FROM  
THE STRICT APPLICATION OF THE  
PRINCE GEORGE'S COUNTY ZONING ORDINANCE

Instructions: Please complete and mail to the address above or e-mail to Miriam Bader at mbader@collegeparkmd.gov. All required information must be provided before an application is accepted for processing. An appointment with the City Planning Staff must be made to review the application prior to acceptance. Please call (240) 487-3538 to schedule an appointment. The following items must accompany the application: 1) an accurate plat or site plan drawn to scale that, includes all existing structures, driveway and additions; 2) filing fee or financial hardship waiver request.

OWNER INFORMATION

Name of Property Owner (s) MacGregor Investments, LLC

Address of Property 5002 Kenesaw Street

Do you reside in the property? ☐ Yes ☒ No

If no, provide home address 6012 Poindexter Ln, Rockville, MD 20852

Telephone 240-398-6014 Fax E-mail tlbkmd@aol.com

Name of Agent/Representative (if any) N/A

Address Telephone

Have you applied for and been denied a permit? ☐ Yes ☒ No

Have you received a violation notice? ☐ Yes ☒ No If yes, date of notice

Has property been the subject of a previous appeal or zoning application? ☐ Yes ☒ No

If yes, provide case number(s) and dates

Do you require an interpreter? ☐ Yes ☒ No

DESCRIPTION OF PROPERTY

Daniel's Park Addition	49	4	
Subdivision	Lot	Block	Parcel
R-3		5,006	
Zoning		Total Area (Sq ft)	
North College Park Community Association			

Civic Association Name

## VARIANCE REQUEST

List each required variance on a separate line and cite the section of the Zoning Ordinance from which the variance is requested.

- 1) Lot coverage
- 2)
- 3)
- 4)
- 5)

## PURPOSE OF VARIANCE

Describe what you propose to do and why you need a variance.

I need a variance in order to apply for a permit to pour a concrete driveway connecting my attached garage to the street.

**IN ORDER FOR A VARIANCE TO BE GRANTED, ALL OF THE FOLLOWING CRITERIA MUST BE MET. PLEASE INDICATE HOW YOU COMPLY WITH EACH OF THESE.**

**Criteria #1. Property has exceptional narrowness, shallowness, or shape, exceptional topographic conditions or other extraordinary situations or conditions.** *(Describe any special conditions and/or circumstances which are peculiar or unique to the property and, that are not characteristic of other property in the neighborhood).*

The property is narrow and flat and the soil drains poorly. Grass pavers were installed at the request of Prince George's County after evaluation by engineers. However, these do not work, resulting in muddy ruts in the front yard that are unsightly and cause mud to run down the existing driveway apron into the street when it rains. It also makes it impossible to access the house from the street without going through the mud.

**Criteria #2. The strict application of the County Zoning Ordinance will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon the property owner.** *(The property owner is deprived of property rights commonly enjoyed by neighboring property owners because of the property's unusual features or conditions). Hardship cannot be self-imposed.*

The current situation results in an inordinant amount of mud in the house and garage  
and on our shoes and cars. A moving truck cannot drive on this, so we have not  
even been able to move in. Every other house in the neighborhood has a solid surface  
driveway. Functionally it is a mess and asthetically it is an eyesore to the rest of the  
neighbors.


**Criteria # 3. The variance will not substantially impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan.** *(Granting of the variance will not be in conflict with the public interest as requested in these plans).*

The planned driveway would be consistent with the rest of the neighborhood. It would  
look much better and have no negative impact on the surrounding properties, but would  
help to maintain their value and the neighborhood asthetic.

**NAMES & MAILING ADDRESSES OF ALL ADJOINING PROPERTY OWNERS**

*(These include properties located on either side, behind and across the street from your property).*

5004 Kenesaw Street	Monique Beaudoin	same
<b>Property Address</b>	<b>Owner's Name</b>	<b>Owner's Address</b>
5001 Kenesaw Street	Eduardo Monroy	same
<b>Property Address</b>	<b>Owner's Name</b>	<b>Owner's Address</b>
9533 Rhode Island Ave	Macgregor Investments, LLC	6012 Poindexter Ln Rockville, MD 20852
<b>Property Address</b>	<b>Owner's Name</b>	<b>Owner's Address</b>
9535 Rhode Island Ave	Marell Smith	same
<b>Property Address</b>	<b>Owner's Name</b>	<b>Owner's Address</b>

<b>Property Address</b>	<b>Owner's Name</b>	<b>Owner's Address</b>
		03/08/2020
<b>Signature of Owner (Required)</b>		<b>Date</b>

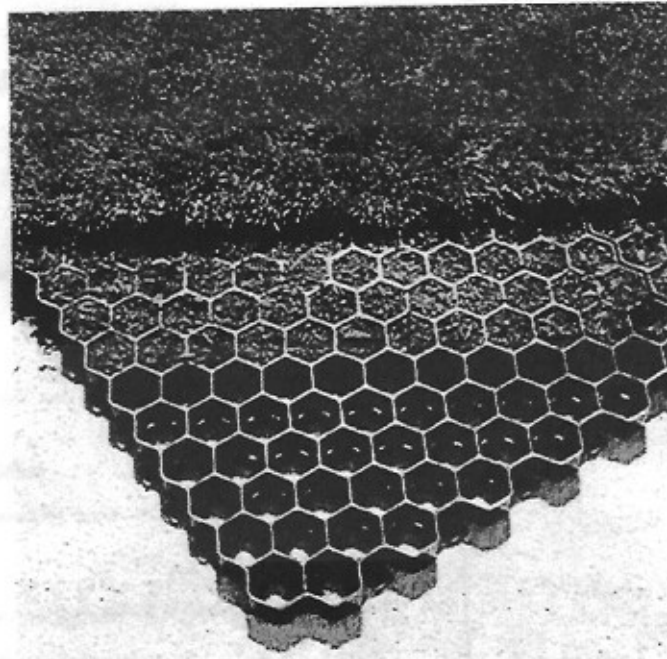
<b>Signature of Owner (Required)</b>	<b>Date</b>
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the NO cut

KENESAW (30'W) STREET

## EXHIBIT 3

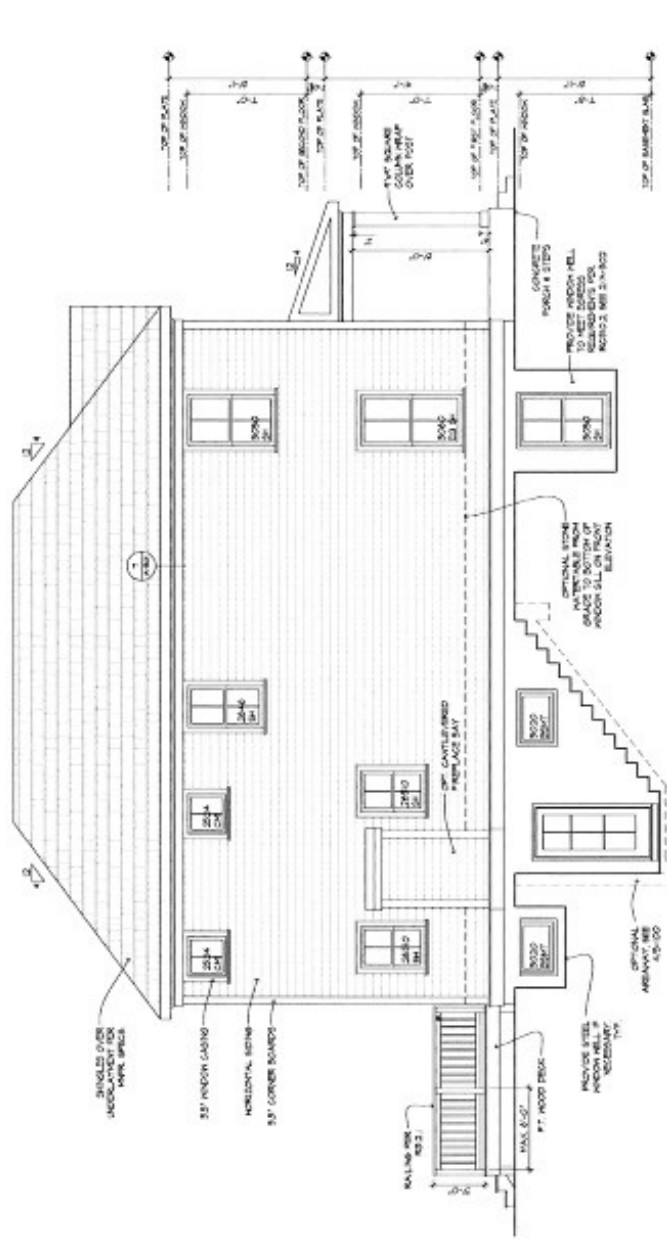
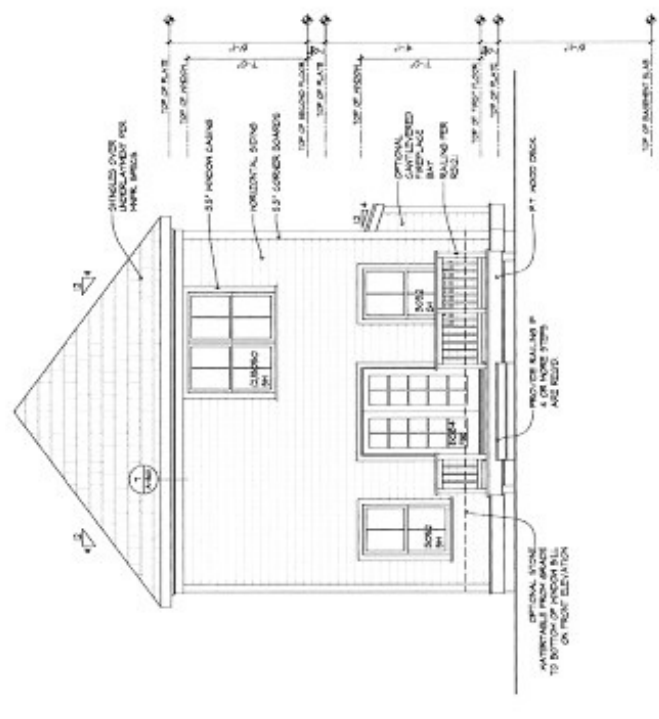
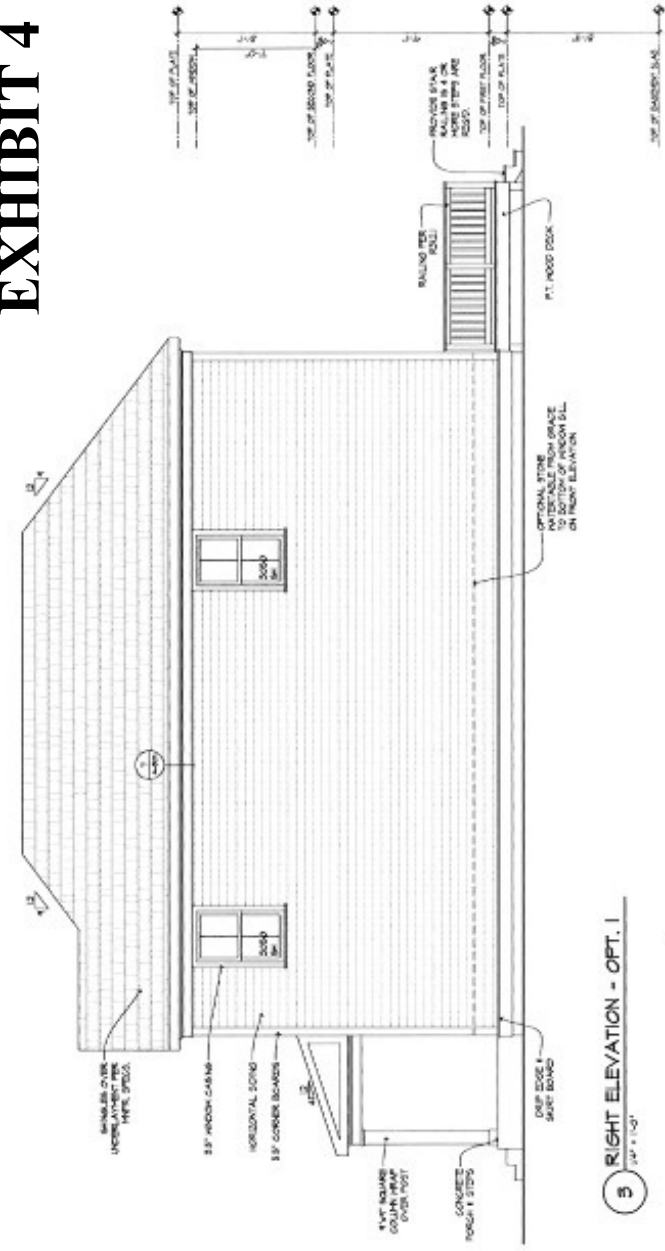
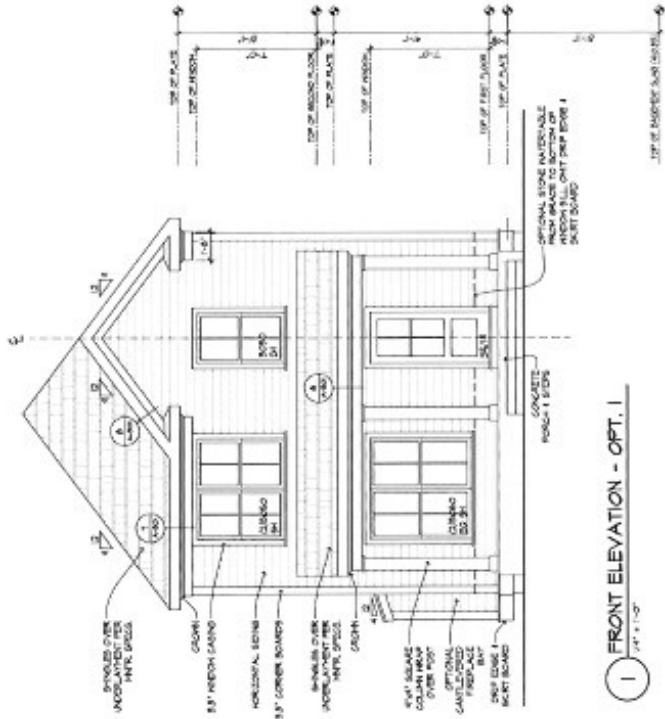


### ~ GRASS PAVERS ~

#### Installation method for Grass Pavers

1. Compacted Soil
2. Filter Fabric
3. 4" min. of No. 57 stone
4. Filter Fabric
5. Grass pavers filled with top soil and sod on top.

# EXHIBIT 4



**EXHIBIT 5.1**



**EXHIBIT 5.2**



**Exhibit 6. Lot Coverage Calculations for 5002 Kenesaw Street**

Lot Size (92.68 x 54.00) = 5004.72 square feet

Maximum permitted lot coverage is 30% or 1,501.42 square feet in the R-55 zone.

House (21.16 x 40) = 846.40 sq. ft.

Garage (11.34 x 30.87) = 350.06 sq. ft.

Covered front porch (7 x 19.0) = 133.00 sq. ft.

Existing apron (on-site) = 72.54 sq. ft.

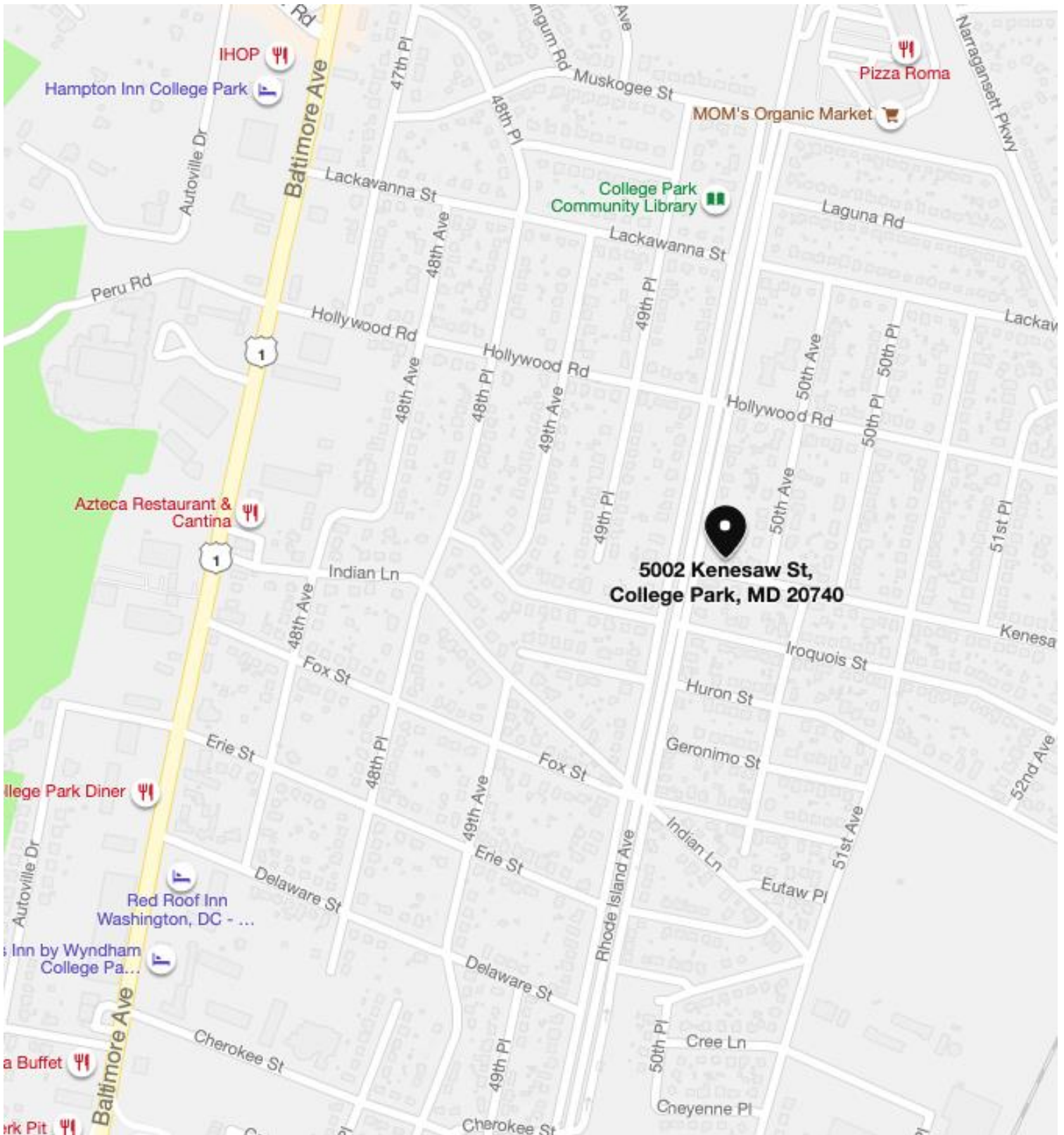
Proposed driveway (10' x 33') = 330.00 sq. ft.

Total = 1,732.00 sq. ft.

$1,732.00 / 5,004.72 = 34.60\% - 30.00\% \text{ (permitted)} = 4.60\% \text{ over permitted lot coverage (rounded to 5\%)}$

230.58 sq. ft. over

## Exhibit 7. Location Map



**Exhibit 8. Zoning and Building Footprint**

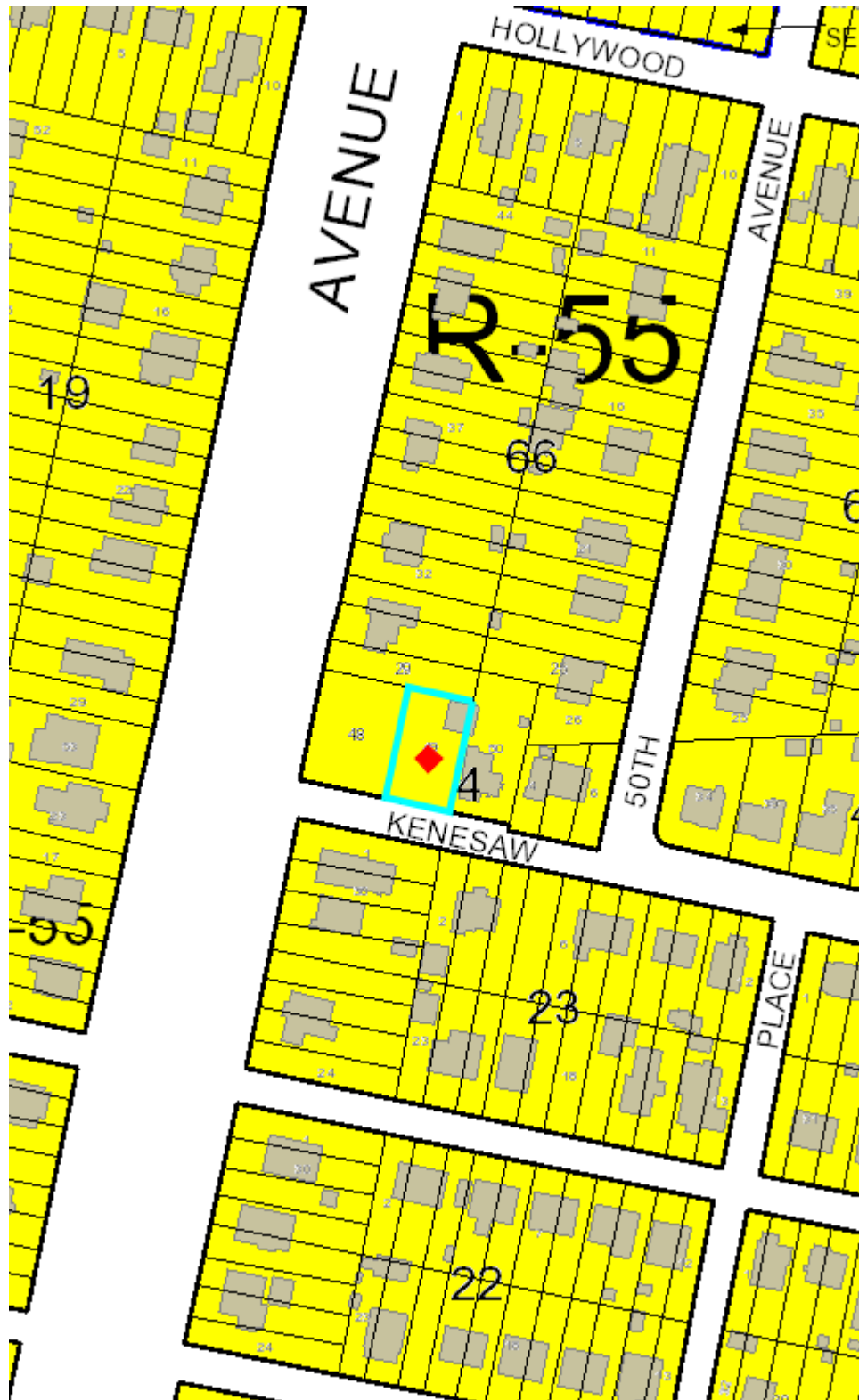
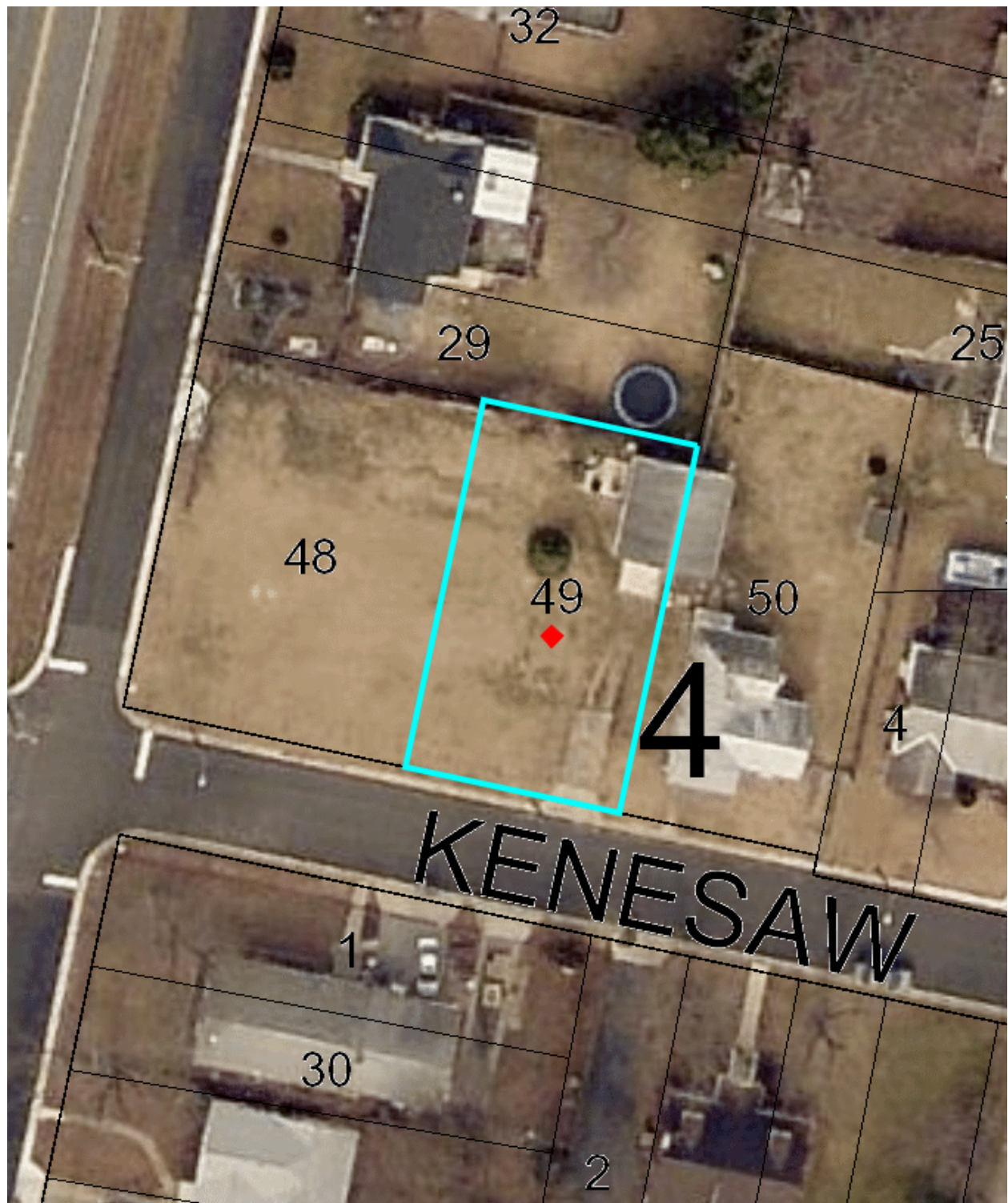




Exhibit 10. Aerial View



**Exhibit 11. Streetside View before House**



## **Exhibit 12. Staff Photos**



**A. Subject Site, 5002 Kenesaw Street**



**B. Close-up of Driveway**



**C. Looking at Driveways Down the Street**



**D. An Alternative Type of Driveway, Located Across the Street**